

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JULY 19, 1972

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 P.M. on Wednesday, July 19, 1972, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - HUGHES, KATNICH,
PINKERTON, SCHAFFER
and EHRHARDT (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen, Public Works Director Jones and Assistant Planner Avey.

INVOCATION

The invocation was given by Mayor Ehrhardt.

PLEDGE

Mayor Ehrhardt led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Pinkerton, Katnich second, the Minutes of June 28, 1972, were approved as written and mailed.

On motion of Councilman Katnich, Schaffer second, the Minutes of June 30, 1972, were approved as written and mailed.

On motion of Councilman Schaffer, Katnich second, the Minutes of July 5, 1972, were approved as written and mailed.

PRESENTATION

T. HOEGERMAN
RE LODI LAKE

Tom Hoegerman of Boy Scout Troop #266, sponsored by the American Legion, addressed the Council and presented each of the Councilmen with a plot plan and description of a youth activity area proposed for the Lodi Lake Park which he had prepared.

PUBLIC HEARINGS

PREZONE PARCEL
ON EAST SIDE S.
HUTCHINS ST. S.
OF KETTLEMAN
TO R-MD
DISTRICT

ORD. NO. 979
INTRODUCED

CC 53 (a)
CC 149

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Ehrhardt called for the public hearing on the recommendation of the Planning Commission to approve the request of E. E. Goehring by Mr. Bozant Katzakian for the prezoning of an approximate 285-foot by 700-foot parcel located on the east side of South Hutchins Street between approximately 1830 feet and 2115 feet south of the centerline of Kettleman Lane from I-PA, Interim-Protected Agriculture District to R-MD, Residential-Medium Density Multiple Family District.

Minutes of July 19, 1972, continued

Assistant Planner Richard Avey introduced the matter and presented a drawing of the area proposed for rezoning. Mr. Bozant Katzakian, Realtor, 122 North Church Street, who was representing the property owner, spoke in favor of the proposed rezoning.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Councilman Schaffer stated he wished to abstain from discussion and voting on the matter because of a possible conflict of interest.

After discussion, Councilman Hughes moved introduction of Ordinance No. 979 rezoning the above described parcel to be in the R-MD, Residential-Medium Density Multiple Family District. The motion was seconded by Councilman Katnich and carried by the following vote:

Ayes: Councilmen - Hughes, Katnich,
Pinkerton and
Ehrhardt

Noes: Councilmen - None

Abstain: Councilmen - Schaffer

APPEAL -
EHLERS &
ROGET
REZONING
REQUEST
DENIED
cc 53(b)

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Ehrhardt called for the public hearing on the appeal of Attorney Robert J. Mertz on behalf of Mr. Lee Ehlers and Dr. Gordon Roget of the Planning Commission's action of April 10, 1972, denying the rezoning from the R-1, Single-Family Residential District to the R-GA, Residential Garden Apartment District for an approximate 2-acre parcel located at the southeast corner of West Lodi Avenue and Lower Sacramento Road.

Assistant Planner Richard Avey introduced the matter and presented a drawing of the area proposed for rezoning. Mr. Avey discussed the history of the appeal and stated the Planning Director's recommendation was for approval of the R-GA zoning based on the following conclusions:

1. R-GA zoning would provide a land use buffer between the single-family areas to the east and south and the intersection of two major streets.
2. Apartment development at this location would be preferable to single-family lots because the City could control the number and location of the driveways.
3. The City would have site plan control if the area were zoned R-GA.

Minutes of July 19, 1972, continued

The following persons spoke in favor of the rezoning:

1. Mr. Victor Meyer, 221 West Oak Street. Mr. Meyer presented the proposed plan for development of the parcel. He stated the applicants proposed to develop the parcel with a density of 17 units per acre. He said the swimming pool and two-story units would be located to permit the least possibility of noise or visual privacy invasion into surrounding properties. Mr. Meyer said because of the adverse affect of the traffic at this intersection, R-GA zoning would be the best use of the land. He also pointed out that the proposed plan had answered most, if not all, of the valid previous objections.
2. Attorney Robert Mertz, 121 West Pine Street. Mr. Mertz stated he was representing the applicants, Mr. Lee Ehlers and Dr. Gordon Roget. He said (a) the proposed R-GA zoning would be the highest and best use for this property; (b) there was a community need, demand and benefit for the zoning; (c) to be consistent with previous Council rezoning decisions, he felt the property should be rezoned as requested. He pointed out the traffic problem existing at the corner of Lower Sacramento Road and West Lodi Avenue and recommended the proposed zoning to be the highest and best use for the property.
3. Mrs. Muriel Roget, 1054 East Woodbridge Road, Woodbridge, requested the plan be considered on its own merits.
4. Mr. Michael Bruen, 2350 Cabrillo Circle, stated he had objected to the original plan presented by Mr. Ehlers and Dr. Roget. He said he now felt the plan now being proposed was a good plan and he had no objections to it.
5. Mr. Berle Crisp, real estate developer, 19232 Tammy Lane, Woodbridge, stated he had no financial interest in the development but had reviewed the plans and felt they were a logical approach to development of the property.
6. Mr. Donald Soares, 2126 West Pine Street, stated he felt from an ecology standpoint the proposed development was good.

The following persons were present and spoke in opposition to the proposed rezoning:

1. Mr. Larry Meyers, 2356 Cabrillo Circle, stated he opposed the proposed rezoning and was concerned with the lack of storm drainage in the area.
2. Mr. William Dollinger, 2338 Cabrillo Circle, stated he wished the area to remain in the R-1 zone.
3. Mr. Lloyd Perrin, 2370 Cabrillo Circle, said he objected to the proposal because of the noise factor.

Minutes of July 19, 1972, continued

4. Dr. Hiroshi Kanegawa, 2368 Cabrillo Circle.
5. Mr. Don Berry, 2421 Diablo Drive, said he felt this parcel was not the proper location for multiple-family zoning. Mr. Berry also questioned the ability to control the landscaping of the development.
6. Mr. Elmer Altnow, 2411 Diablo Drive, stated he wished to protect the privacy of his home and was opposed to the proposal.
7. Mrs. Anne Meyers, 2356 Cabrillo Circle.
8. Mrs. Fanchon Altnow, 2411 Diablo Drive.
9. Mrs. Janet Berry, 2421 Diablo Drive.
10. Mr. K. L. Lobaugh, 240 South Lower Sacramento Road. Mr. Lobaugh said he felt the proposed apartment complex would be detrimental to his property.
11. Attorney Gene Walton, 318 West Pine Street, representing the opponents of the proposal presented protests signed by eleven residents of the area. He also presented a parcel map of the area and pointed out those property owners who had indicated objection to the proposal. Mr. Walton said that those persons who had purchased property in the Kristmont area had done so believing the area would remain R-1 zoning. He said he felt the highest and best use for the parcel in question was single-family residential. Mr. Walton also indicated he believed the storm drainage to be inadequate to facilitate the proposal.

Upon being questioned by the City Council, Public Works Director Jones indicated facilities were available for adequate drainage of the property.

There being no other persons in the audience wishing to be heard on the matter, the public portion of the hearing was closed.

After Council discussion, Councilman Pinkerton moved the decision of the Planning Commission be upheld and the appeal of Attorney Robert Mertz on behalf of Mr. Lee Ehlers and Dr. Gordon Roget be denied. The motion was seconded by Mayor Ehrhardt. A roll call vote was taken as follows:

Ayes: Councilmen - Pinkerton and Ehrhardt

Noes: Councilmen - Hughes, Katnich and
Schaffer

Since approval of the appeal would require a four-fifths vote of the City Council, no further action was taken.

RECESS

The Mayor declared a five-minute recess at 10:30 p.m. and the Council reconvened at 10:37 p.m.

Minutes of July 19, 1972, continued

PRESENTATION

ECOLOGY ACTION- RE QUONSET HUT

CC 500

Mrs. Lynn Victor, 120 North California Street, speaking on behalf of Lodi Ecology Action requested the group be granted use of the City-owned Quonset hut located on ~~South~~^{North} Stockton Street.

Mr. Thomas Griffin, 721 West Kettleman Lane, also spoke concerning the request. Mr. Griffin asked that the Ecology group be given permission to use the City parking lot near the Quonset hut at the northeast corner of ~~South~~^{North} Stockton Street and Lockeford Street as a collection center.

On motion of Councilman Katnich, Pinkerton second, the Council granted an Encroachment Permit to the Lodi Ecology Action group for the use of the City parking lot at the northeast corner of ~~South~~^{North} Stockton Street and Lockeford Street; said parking lot to be used as a collection center on a day-to-day basis and not as a storage area. The Council requested the City Manager to investigate the possible use of the Quonset hut by the Ecology Action group and report to the Council his findings at the next regular meeting to be held on August 2, 1972.

PLANNING COMMISSION

CC 35(1)

The City Manager gave the following report of the Planning Commission meeting of July 10, 1972:

MOBILE PARK PROP. REZONING REQUEST

The Planning Commission recommended the approval of the request of Mobile Park Properties, Inc. by Mr. Edwin Colledge for a change in zoning from the R-1, Single-Family Residential District to the R-HD, High Density, Multiple-Family Residential District for an approximate 8-acre parcel on the north side of Almond Drive between 657.60 feet and 1030 feet west of the centerline of Cherokee Lane.

On motion of Councilman Schaffer, Katnich second, the above matter was scheduled for public hearing on August 2, 1972.

SPECIFIC PLAN- TOKAY STREET

The Planning Commission also recommended to the City Council a Specific Plan for the future development of Tokay Street between South Fairmont Avenue and Virginia Avenue in accordance with Plan B as on file in the Office of the Public Works Director. On motion of Councilman Pinkerton, Katnich second, the matter was set for public hearing on August 16, 1972.

ACTIONS OF INTEREST

The Planning Commission also took the following actions of interest to the City Council:

1. Approved the request of Westmont Development Company for a Use Permit to amend Phase I of English Oaks Manor by reducing the rear and side yard fence height for all Garden Court houses from 8 feet to 7 feet with certain conditions.

Minutes of July 19, 1972, continued

2. Approved the request of Mr. R. W. Slawson for a Variance to permit 3 detached accessory buildings (carports) to occupy in excess of 30 per cent of the rear yard at the site of 3 proposed fourplexes on the northeast corner of Kettleman Lane and South Fairmont Avenue in an area zoned R-MD, Medium Density Multiple Family Residential with the condition that landscaping and an automated sprinkler system be installed along the north side of the carports adjacent to Leroy Nichols School to the approval of the Public Works Department.
3. Approved the request of Lodi Investments by Mr. Norman Taylor for a Variance to permit 3 detached accessory buildings (carports) to occupy in excess of 30 per cent of the rear yard at the site of 3 proposed fourplexes on the northeast corner of Kettleman Lane and South Fairmont Avenue in an area zoned R-MD, Medium Density Multiple-Family Residential with the condition that landscaping and an automated sprinkler system be installed along the north side of the carports adjacent to Leroy Nichols School to the approval of the Public Works Department.
4. Approved in a modified form the request of Mr. Steven Schnabel for a Variance to reduce the required lot width from 50 feet to 45 feet and to permit parking in the side yard on the front half of the lot for a proposed apartment house site at 516 North Church Street in an area zoned R-HD, High Density Multiple Family Residential with certain conditions.
5. Recommended to the San Joaquin County Board of Zoning Adjustment that the request of Mr. George Ferrero for a Use Permit to establish a truck terminal on the east side of Cluff Road, from 1560 feet to 1870 feet north of Lockeford Street, east of Lodi in an area zoned I-PA, Interim Protected Agricultural be approved with certain conditions.

COMMUNICATIONS

ABC LICENSE
cc (f)

An application for alcoholic beverage license was received for George Norm Crabbe, George's Place, 118 North Sacramento Street, on-sale beer, person-to-person transfer.

APPRECIATION

A note of appreciation was received from the Richard Gruber family for flowers sent to Officer Gruber's funeral.

CVD, LCC
MEETING

A notice was read of the next regular meeting of the Central Valley Division, League of California Cities, to be held in Turlock on Thursday, July 27, 1972.

RESTROOM
FACILITIES -
LAKE PARK
cc (f)

Letters were received from Mrs. Bev Pratt, 319 Forrest Avenue and Mrs. Edwin W. Hausauer, 1506 Vista Drive, pointing out the lack of adequate restroom facilities at Lodi Lake Park. The Council discussed the problem and asked that consideration be given to providing portable chemical facilities on occasions when needed.

Minutes of July 19, 1972, continued

CITY OF
TURLOCK

A letter was received from Roland M. Cowan, City Manager, City of Turlock, requesting the City Council to adopt a resolution requesting the Board of Trustees at State Colleges to change the name of California State College at Stanislaus to California State College at Turlock. No action was taken on this matter.

REPORTS OF THE CITY MANAGER

CLAIMS
CC 21(a)

Claims in the amount of \$133,890.61 were approved on motion of Councilman Katnich, Schaffer second.

PLANS & SPECS -
TURNER ROAD
DUCT & VAULT
CC 12.1 (c)

On motion of Councilman Hughes, Schaffer second, the City Council approved plans and specifications for the Turner Road duct and precast vault work, Lower Sacramento Road (South) to 440' east of Rutledge Drive, and authorized advertising for bids thereon.

SPECS -
REMOVAL OF
DWELLING
CC 12.1 (c)

On motion of Councilman Katnich, Schaffer second, the City Council approved specifications for removal of a dwelling at 324 1/2 Louie Avenue and authorized advertising for bids thereon.

MSC - CHANGE
ORDER #5

City Manager Graves presented the recommendation of the Public Works Director for a deduction change order (#5) for the Municipal Service Center which would reduce the cost of the background music system in the office building by \$105. On motion of Councilman Katnich, Hughes second, the Council approved Change Order #5 for the Municipal Service Center as recommended.

ACCEPT
MSC
CC 90

On motion of Councilman Hughes, Schaffer second, the City Council accepted the Municipal Service Center improvements as complete and authorized the Public Works Director to file the Notice of Completion on the project.

TURNAGE
MARKET
LEASE

City Manager Graves reported he had been contacted by Mr. Alton Brinlee of Tracy, California, concerning leasing the Turnage Market when the present lessee terminates on the first of September. He said Mr. Brinlee requested a minimum lease of three years and certain other conditions of the lease which would be necessary to negotiate if the Council wished to extend the lease.

On motion of Councilman Schaffer, Katnich second, the Council instructed the staff to negotiate an agreement for the lease of the Turnage Market.

SPECS - TURF
MOWER
CC 12.1 (b)

City Manager Graves presented specifications for a five-gang turf mower. He explained that since there was only one distributor for this type of mower in this area, it was his recommendation that the staff be authorized to purchase the mower direct, without bidding. He said a proposal had been received from the supplier which was approximately \$450 below advertised list price.

Minutes of July 19, 1972, continued

On motion of Councilman Hughes, Pinkerton second, the Council approved the specifications for the turf mower and authorized the purchase from a sole supplier without bidding.

SPUR/ABAG
SOLID WASTES
PLAN

RES. NO. 3653

cc 54
cc 300

The City Manager presented a communication from Mr. J. Julien Baget, Executive Director of the Association of Bay Area Governments requesting the City Council to express its support of the SPUR/ABAG Solid Wastes Plan concept.

Under discussion of the matter, Councilman Pinkerton stated he wished to go on record as opposing the SPUR/ABAG Solid Wastes Plan concept.

Mayor Ehrhardt then moved adoption of Resolution No. 3653 stating the City of Lodi's intent to join with ABAG and other communities in the Greater Bay Area to seek public and private funding to carry out field trials of the SPUR/ABAG Solid Wastes Plan and to undertake other regional solid wastes planning efforts. The motion was seconded by Councilman Hughes and carried with Councilman Pinkerton voting no.

COUNTY RE
SANITARY
LANDFILL

cc 22(b)

The City Manager reported he had recently talked with the County Administrator and they had agreed the City Council should present its position concerning the Sanitary Landfill to the Board of Supervisors. The Council then directed the City Manager to schedule a meeting of the City Council with the Board of Supervisors at the Board's August 1, 1972, meeting.

LABOR NEGOTIATIONS

City Manager Graves reported to the Council that the City's negotiating team had been meeting with representatives of the San Joaquin County Employees' Association in labor negotiations for the past several weeks. He stated they had gone through the impasse procedure and had been in mediation for the past two weeks but had been unable to reach agreement with the Employees' Association.

SALARIES -
S.J.C.E.A.

RES. NO. 3654

cc 34
cc 300

Councilman Schaffer expressed disappointment that an agreement had not been reached with the Employees' Association stating he felt the City's negotiating team had acted in good faith and under the direction of the City Council. He then moved adoption of Resolution No. 3654 establishing salary and fringe benefit adjustments for those employee units represented by the San Joaquin County Employees' Association for fiscal year 1972-73 to be as follows:

SALARIES

Miscellaneous Unit:

A 5% across-the-board salary increase for all employees in this unit effective July 20, 1972, plus an additional 2 1/2% increase for those employees in the following Park series classes: Park Maintenance Man I, Park Maintenance Man II, Park Maintenance Man III, Park Maintenance Specialist, Gardener

Minutes of July 19, 1972, continued

Leadman, Park Foreman; said additional increase to be effective January 1, 1973.

Police Unit:

A 5% across-the-board salary increase for all employees in this unit effective July 20, 1972.

Fire Unit:

A 5% across-the-board salary increase for all employees in this unit effective July 20, 1972.

FRINGE BENEFITS

1. The payment of a flat amount of \$18 per month per employee to be applied to the premium for group health insurance coverage, said benefit to be effective as soon as necessary arrangements with the City's group health insurance carrier are completed, and said benefit to be applicable to all City employees regardless of representation.
2. The payment of an additional \$5 per month per employee in the Police Unit and Fire Unit to those employees in those respective units who are required to wear and/or maintain a uniform, said benefit to be effective August 1, 1972.
3. That the City of Lodi, prior to the start of negotiations for fiscal 1973-74, contract for a salary study to encompass key classes in the classified service, the results of same to serve as additional criteria to be utilized in conducting salary and fringe benefit negotiations in the spring of 1973.

The motion was seconded by Councilman Katnich and carried by unanimous vote of the Council.

UNCLASSIFIED
PERSONNEL
SALARY
INCREASES

On motion of Councilman Katnich, Hughes second, the City Council then adopted Resolution No. 3655 establishing salary increases for unclassified personnel as follows:

RES. NO. 3655

cc 34
cc 300

Public Works Director	\$1800
Police Chief	1625
Fire Chief	1545
Finance Director	1540
Planning Director	1457
Parks & Recreation Director	1425
Assistant City Manager	1500
Director of Utilities	1725
Administrative Assistant	Range 805 - 1140

The above salaries to be effective July 1, 1972, as established by Resolution No. 3647 adopted by the Council on June 30, 1972.

Minutes of July 19, 1972, continued

ORDINANCES

REZONE PARCEL
W SIDE S MILLS
TO R-LD DISTRICT

ORD. NO. 975
ADOPTED

cc 53(a)
cc 149

ORDINANCE NO. 975, entitled, "AN ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING A PARCEL 390 FEET BY 446 FEET LOCATED ON THE WEST SIDE OF SOUTH MILLS AVENUE BETWEEN 360 FEET AND 806 FEET NORTH OF THE CENTER-LINE OF WEST LODI AVENUE TO BE IN THE R-LD, RESIDENTIAL LOW DENSITY MULTIPLE-FAMILY DISTRICT," having been introduced at a regular meeting on July 5, 1972, was brought up for passage on motion of Councilman Schaffer, Katnich second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katnich, Pinkerton,
Schaffer and Ehrhardt

Noes: Councilmen - None

Absent: Councilmen - None

REZONE TO
P-D(10) 81-ACRE
PARCEL E OF
S HUTCHINS ST.

ORD. NO. 976
ADOPTED

cc 53(a)
cc 149

ORDINANCE NO. 976, entitled, "AN ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING AN APPROXIMATE 81-ACRE PARCEL LOCATED ON THE EAST SIDE OF SOUTH HUTCHINS STREET, BOUNDED BY HARNEY LANE, SOUTH HUTCHINS STREET, A LINE RUNNING EAST AND WEST APPROXIMATELY 2640 FEET NORTH OF THE CENTER-LINE OF HARNEY LANE, AND THE SOUTHERN PACIFIC RAILROAD, SUBJECT TO CERTAIN CONDITIONS," having been introduced at a regular meeting on July 5, 1972, was brought up for passage on motion of Councilman Pinkerton, Schaffer second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katnich, Pinkerton,
Schaffer and Ehrhardt

Noes: Councilmen - None

Absent: Councilmen - None

REZONE TO
R-LD NE
COR HAM &
LOCUST

ORD. NO. 977
ADOPTED

cc 53(a)
cc 149

ORDINANCE NO. 977, entitled, "AN ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING A PARCEL 119 FEET BY 390.36 FEET LOCATED AT THE NORTHEAST CORNER OF NORTH HAM LANE AND WEST LOCUST STREET TO BE IN THE R-LD, RESIDENTIAL LOW DENSITY MULTIPLE FAMILY DISTRICT," having been introduced at a regular meeting on July 5, 1972, was brought up for passage on motion of Councilman Katnich, Schaffer second. Second reading was omitted after

Minutes of July 19, 1972, continued

reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katnich, Pinkerton,
Schaffer and Ehrhardt

Noes: Councilmen - None

Absent: Councilmen - None

ADOPT
OPERATING
BUDGET FOR
FISCAL 1972-73

ORD. NO. 978
ADOPTED

CC 21(b)
CC 149

ORDINANCE NO. 978, entitled "ADOPTING AN OPERATING BUDGET FOR THE SUPPORT OF THE VARIOUS DEPARTMENTS OF THE CITY OF LODI FOR THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 30, 1973," having been introduced at a regular meeting on July 5, 1972, was brought up for passage on motion of Councilman Hughes, Mayor Ehrhardt second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

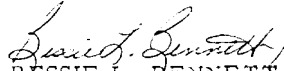
Ayes: Councilmen - Hughes, Katnich, Pinkerton,
Schaffer and Ehrhardt

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

At approximately 12:25 a.m. the meeting was adjourned to Wednesday, July 26, 1972, at 8:00 p.m. on motion of Councilman Hughes, Schaffer second.

Attest: 
BESSIE L. BENNETT
City Clerk